



Planning & Economic Development Department
Petition and Formal Request for
Zoning Board of Adjustment Action

Submittal date: 07 / 07 / 2015

Case No.: 1110

Fees: Please note the following fees are for a public hearing before the City of Madison Zoning Board of Adjustment:

- An application fee of \$350.00 which is due upon submission of an application. This amount must be paid in order for the request to be made a part of an upcoming agenda.
- The cost of legal advertisement in the *Madison County Record* is included in the application fee.

1) Description of Property: (If description is a metes and bounds description, please attach to application.)

a) Legal Description: LOT 1 BRADFORD SQUARE & OTHER LANDS A
RESUB OF LOT 2 OF A RESUB OF LOT 1 OF
BRADFORD SQUARE & OTHER LANDS
DB 950/337 07/15/99

b) Street Address: 7885 Highway 72 West, Madison, AL 35758

c) Present Zoning Classification: B-3 (General Business District)

2) Nature of Appeal:

a) From Decision of Administrative Officer - Sec. 10-7 of Zoning Ordinance:

b) Application for Special Exception - Sec. 10-8 of Zoning Ordinance (Section of Zoning Ordinance under which Special Exception is sought):

- c) Application for Variance (See Sec. 10-9 (1) (a) thru (e): _____
Reference attached Narrative. _____

3) Representative appearing before Board of Adjustment and Appeals on behalf of Applicant:

- a) Engineer or Architect: Interplan LLC _____

b) Attorney: _____

c) Other: Chick-fil-A Inc and JLL _____

4) Public Hearing instructions:

City of Madison regulations require that notification of a public hearing must be mailed to adjacent property owners. Adjacent property is any property that is contiguous (touches the subject property directly, including across a public or private street). It is the responsibility of the applicant to provide the Planning & Economic Development Department with this information.

The required information must be obtained from the Madison County/Limestone County Tax Assessor's Office and be certified by a Professional Engineer, Attorney, Registered Surveyor or Bonded Abstractor. The certifier's original signature and professional stamp, if applicable, must be on the submission. The certified list must be submitted along with the completed application using either the provided form or attached separately. If the list is handwritten, it must be legibly printed.

CERTIFICATION OF LIST OF ADJOINING PROPERTY OWNERS

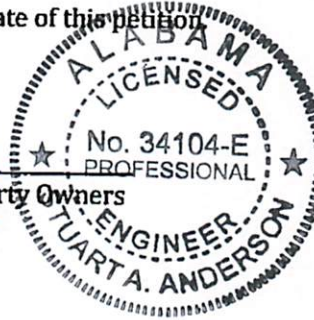
I, Stuart Anderson, a(n) (circle one) Professional Engineer
Attorney; Registered Surveyor; or Bonded Abstractor, hereby certify that the following is a
complete and current listing of all record property owners adjoining the exterior boundary
of the subject property as of the date of this petition.

(L.S.)

Stt
Person Certifying Adjoining Property Owners

AL PE# 34104-E

ADJOINING PROPERTY OWNERS LIST



West Parcel ID 1508282000046000; Address of 7905 Highway 72 W

Johnnie B. Lynch

519 Highland Drive

Madison, AL 35758

South Parcel ID 1508282000048000; Addresses of 7887 and 7873 Highway 72 W

South Madison Land Holdings LLC c/o AL Nejad

1900 Shellbrook Drive

Huntsville, AL 35806

North Parcel 1508282000007000; Address of 7874 Highway 72 W

Store Master Funding VII LLC c/o Treadwell Restaurants of Alabama LLC

4200 S Quail Creek, Suite A

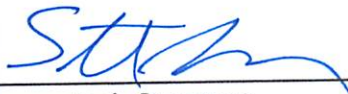
Springfield, MO 65810

North Parcel 1508282000008000; Address of 7920 Highway 72 W

Lowes Home Centers Inc., Attn: Tax Department

P.O. Box 1111

North Wilkesboro, NC 28656


Requestor's Signature
Please specify if owner or agent of owner

Address of Requestor:
604 Courtland Street, Suite 100
Orlando, FL 32804

Daytime Telephone Number(s):
407.645.5008

Email Address: sanderson@interplanllc.com; egraf@interplanllc.com

If the Requestor is someone other than the property owner, please fill out the following information:


Owner's Signature
Address of Owner:
5200 Buffington Road
Atlanta, GA 30349

Daytime Telephone Number(s):
404.305.7745

Email Address:
joseph.latimer@chick-fil-a.com

July 7, 2015

Sherri Williams
City of Madison
Planning & Economic Development Dept.
100 Hughes Road
Madison, AL 35758
(256) 772-5638

Reference: Petition and Formal Request for Zoning BOA Action (Sign Variance)
IP # 2014.0466
Chick-fil-A, Madison
7885 Highway 72 W, Madison, AL 35758

Dear Ms. Williams:

On behalf of our client (Chick-fil-A, Inc.), we would like to make a formal request for Zoning BOA Action requesting a sign variance so that Chick-fil-A may continue to keep the existing pole sign located at 7885 Highway 72 W, Madison, AL 35758. Please find below our position for the appeal for the Variance conforming to all of the requirements and standards listed in the City's Zoning Ordinance, Section 10-5-3, dated September 2014:

STANDARDS OF REVIVE FOR VARIANCE

1. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Response: The Variance request to keep the existing pole sign is in harmony with the Zoning District and is not injurious to the neighborhood or otherwise detrimental to the public welfare. The site is located within a commercial district where pylons signs have been allowable in the past.
2. The granting of the variance will not permit the establishment of any use which is not permitted in the district.
Response: The Variance request will not change the allowable use of the property. The site is and will remain a Chick-fil-A restaurant.

3. There must be proof of unique circumstances or conditions fully described in the finding and applicable to the land or buildings for which the variance is sought, such circumstances or conditions being peculiar to such land or buildings and generally having no application to land or buildings in the district, and which circumstances or conditions are such that the strict use of such land or building.

Response: The Variance request is to keep an existing pylon sign that is required by the City's current Zoning Ordinance to be removed due to the cost of a planned building remodel. The cost of the remodel of an old building triggers the need for the site to be brought up to current code. Chick-fil-A meets all of the other site upgrade requirements including, landscape, parking, screening, lighting and architectural appearance. Also, replacing the pole sign with a monument sign will burden Chick-fil-A with an unusual cost that will take away from the remodel budget being spent on the building upgrades.

4. There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created nor can it be established on this basis by one who purchases with or without knowledge of the restrictions. It must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of other variances or nonconformities granted under similar circumstances shall not be considered.

Response: We feel a hardship is being imposed on Chick-fil-A to remove an existing pylon sign as part of a building renovation to freshen up a sixteen (16) year old building. The remodel project will improve the appearance of the building inside & out and the sign will be painted to look new. We feel the benefits of an upgraded building to the surrounding area outweigh the intent of the current code to provide a monument sign. Removing the pylon sign will also detract from Chick-fil-A's visibility to our customers and will put us at a competitive disadvantage to our neighboring competition that have pylon signs like we currently do. The pole sign has been a part of this site for 16 years and it is unfair to have to remove it because we are improving the overall appearance of the restaurant.

5. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested from the Zoning Board of Adjustment is the minimum variance that will accomplish this purpose.

Response: The Variance request is the minimum required to allow the existing pylon sign to remain. The pole sign will be repainted and refaced to look new but the height and copy area of the sign will remain the same.

6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.

Response: The pylon sign is existing and will not impair light and air to adjacent property, increase congestion in the public streets, increase the danger of fire, endanger the public safety or diminish or impair property values within the adjacent neighborhoods.

INTERPLAN^{LLC}

Chick-fil-A, Madison
July 7, 2015
Page 3 of 3

7. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

Response: The granting of the Variance will not confer any special privilege over any other properties in this district that were originally constructed under the old code that allowed pylon signs.

Upon review of this request and documentation provided, please feel free to contact me at (407) 645-5008 with any questions.

Sincerely,
INTERPLAN LLC



Stuart Anderson, P.E.
Director of Civil Engineering

enclosures

cc: J. Latimer, Chick-fil-A Inc
T. Hayes, JLL
E. Graf, J. Stalder, T. Gee. R. Jardaneh, Interplan LLC

Chick-fil-A Store# 1153, Madison, AL - Photos of the existing Chick-fil-A pylon sign



